

### REMARKS

The enclosed is responsive to Office Action mailed on November 13, 2006. At the time Office Action was, claims 1-6 and 8-21 were pending. By way of the present response the Applicant has: 1) amended no claims; 2) added no new claims; and 3) canceled no claims. As such, claims 1-6 and 8-21 remain pending. The Applicant respectfully requests reconsideration of the present application and the allowance of all claims now presented.

#### Claim Rejections – 35 USC §103

The Office Action rejected claims 1-21 under 35 USC 103(a) as being unpatentable over Varsa, U.S. Publication No. 2003/0140347 (hereinafter "Varsa"). The Applicant respectfully traverses. Claims 1-6 and 8-21 are pending. Claims 1, 9, 14, and 17 are independent. Claim 1 recites:

1. A method comprising:  
distributing data frames among data packets comprising assigning a plurality of consecutive data frames to different data packets, wherein each data packet is to include data frames that are sufficiently far apart such that loss of any particular data packet distributes impact that the loss has on quality of recovered data, said assigning preventing each data packet from including consecutive data frames, and wherein a data packet includes a packet header and each of the data frames included in the data packet is associated with the packet header; and  
individually sending each data packet over a network to a destination node.

When considered as a whole, Varsa does not render claim 1 obvious. Varsa describes: "The interleaving method according to the present invention operates with units, that are smaller than a frame, but larger than 1 macroblock (e.g. H.263 GOB (Group of Blocks) slice; MPEG-4 Video Packet; MVC slice)." (Varsa, ¶ 0078, emphasis added.) By operating with units that are smaller than a frame, there are disadvantages

that Varsa attempts to overcome by introducing constraints on the slice interleaving pattern. Varsa describes, for example:

There has to be a constraint on the interleaving pattern (e.g. in how many consecutive transport packets the slices belonging to one frame can be spread), that the decoder can assume after receiving a certain number of packets a slice loss, and can start decoding a frame. (Varsa, ¶0065, emphasis added.)

Another constraint that influence the operation of the packetizer 7 is maximum allowed delay, which constrains the temporal width of the interleaving pattern: to how many frames the slices of a packet belong. The decoder can start decoding a frame, when the bitstream of all the slices in a frame have arrived, or are declared to be lost. If the temporal width of the interleaving pattern is too big, the decoder has to keep many frames' bitstream in its buffer before processing it. (Varsa, ¶0046, emphasis added.)

There is also a maximum temporal width what a packet can cover: (Varsa, ¶0053.)

In contrast, by distributing frames rather than interleaving units smaller than frames, the invention of the present application avoids the disadvantages described in Varsa.

The Applicant respectfully submits that rejecting claim 1 as obvious in view of Varsa was based on impermissible hindsight. There is nothing in Varsa to suggest overcoming the disadvantages introduced by interleaving the slices in Varsa by, instead, distributing frames. There is nothing in Varsa that describes or suggests preventing each data packet from including consecutive data frames. In Varsa, slices of consecutive frames are in the same packet so long as the slices are not in the same or adjacent position in consecutive frames. (See, e.g., ¶¶ 0042, 0021, 0044, 0056, and Fig. 3.)

Accordingly, the Applicant respectfully submits that claim 1 is not rendered obvious in view of Varsa.

For at least reasons similar to those above, the Applicant respectfully submits that claims 2-6 and 8-21 are also not rendered obvious in view of Varsa.

Therefore, the Applicant respectfully requests withdrawal of the rejections to claims 1-6 and 8-21 under 35 USC 103(a) as being unpatentable over Varsa.

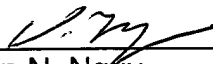
### **CONCLUSION**

The Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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